

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ROVIER CARRINGTON,

Plaintiff,

-against-

BRIAN GRADEN, BRIAN GRADEN MEDIA,
LLC, VIACOM INC., VIACOM
INTERNATIONAL INC., PARAMOUNT
PICTURES CORPORATION, BRAD GREY,
BRAD GREY ESTATE, BRAD ALAN GREY
TRUST

Defendants.

18-cv- _____

Removed from:

Supreme Court of the State of New York
County of New York

Index No. 154060/2018

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Defendants Viacom Inc., Viacom International Inc. (collectively “Viacom”), and Paramount Pictures Corporation (“Paramount”), by and through their undersigned attorneys, hereby remove the above-captioned civil action, and all claims and causes of action therein, from the Supreme Court of the State of New York, County of New York, to the United States District Court for the Southern District of New York, pursuant to 28 U.S.C. § 1441(a) and 28 U.S.C. § 1446. This Court has original jurisdiction over this matter pursuant to 15 U.S.C. § 4 and 28 U.S.C. § 1331. This Court has supplemental jurisdiction over this matter pursuant to 28 U.S.C. § 1367(a). Viacom and Paramount appear for the purpose of removal only and for no other purpose, reserve all defenses and rights available to them, and state as follows:

1. Plaintiff commenced the above-captioned action on May 1, 2018 by filing a complaint (the “Complaint”) in the Supreme Court of the State of New York, County of New

York, under Index. No. 154060/2018. Pursuant to 28 U.S.C. § 1446(a), true and correct copies of the Summons with Notice and Complaint are attached hereto as Exhibit A.

2. Plaintiff purports to bring claims against Viacom and Paramount alleging an unlawful restraint of trade in violation of 15 U.S.C. § 1, in addition to other causes of action under New York State law.

3. Removal is appropriate and permissible under 28 U.S.C. § 1331 and 28 U.S.C. § 1441(a) because the complaint asserts a cause of action for unlawful restraint of trade under federal law. Accordingly, “any civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a).

4. Supplemental jurisdiction over Plaintiff’s New York state law claims is appropriate and proper under 28 U.S.C. § 1367(a). Such claims “are so related to claims in the action within such original jurisdiction that they form part of the same case or controversy under Article III of the United States Constitution.” *Id.*

5. Paramount was served with the Summons with Notice and Complaint on May 10, 2018. Viacom Inc. and Viacom International Inc. have not been served. Brian Graden Media, LLC was served with the Summons with Notice and Complaint on May 3, 2018. Brian Graden has not been served. Brad Grey is deceased. Neither Brad Grey Estate nor Brad Alan Grey Trust has been served. This Notice of Removal is timely filed under 28 U.S.C. § 1446(b)(1).

6. Venue is proper in this Court for removal purposes because, among other things, this Court is “the district court of the United States for the district and division within which [this] action is pending.” 28 U.S.C. § 1446(a).

7. Pursuant to 28 U.S.C. § 1446(d), Viacom and Paramount will file a copy of this Notice of Removal with the Clerk of the Supreme Court of the State of New York, County of New York. Viacom and Paramount will also promptly serve a copy of this Notice on counsel for the Plaintiff and counsel for defendants other than Paramount and Viacom.

8. Defendant Brian Graden Media, LLC concurs in the removal of this action to this Court, subject to and without waiving any defenses and rights available to it. Consequently, all defendants who have been properly joined and served in this action concur in the removal.

9. Viacom and Paramount reserve the right to submit, at an appropriate time, factual support, evidence, and affidavits to support the basis for federal jurisdiction, should that become necessary.

WHEREFORE, Viacom and Paramount respectfully request removal of this action from the Supreme Court of the State of New York, County of New York, to the United States District Court for the Southern District of New York.

Dated: May 24, 2018
New York, New York

By: /s/ Stephen Fishbein
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